

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ROMAN SEBASTIAN MONZON,)	
)	
Plaintiff,)	Civil Action No. 7:22cv00083
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
ADAM MALLORY,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendant.)	

Plaintiff Roman Sebastian Monzon, a Virginia inmate proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. Defendant Adam Mallory filed a motion for summary judgment, and, on November 8, 2022, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 31 & 32.) The *Roseboro* notice gave Monzon 21 days to file a response to the motion for summary judgment and advised him that, if he did not respond to the defendant’s motion, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant states in their responsive pleading(s).” (*See* ECF No. 32.) The notice further advised Monzon that, if he wished to continue with the case, it was “necessary that Plaintiff respond in an appropriate fashion,” and that if he failed to file a response to the motion within the time allotted, the court “may dismiss the case for failure to prosecute.” (*Id.*) Monzon did not respond to the motion.

On February 17, 2023, the court directed Monzon to show cause within 10 days why this action should not be dismissed for failure to prosecute. (*See* ECF No. 42.) The court warned Monzon that failure to respond to the order would result in dismissal of this action

without prejudice. (*Id.*) Monzon did not respond to the court's order and, therefore, the court will now dismiss this action without prejudice for failure to prosecute.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 3rd day of March, 2023.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE